

Appl. No. 10/009,990
Response Dated January 22, 2009
Reply to Office Action of October 22, 2008

REMARKS/ARGUMENTS

Claims 9-11 are pending in the above-captioned application.

The following remarks are believed to be fully responsive to the Office Action.

35 U.S.C. §103 rejection

Claims 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jaeger U.S. Patent No. 5, 297,502 (“Jaeger”) in view of Levy U.S. Patent No.: 4,332,244 (“Levy”).

Applicants are well aware of both Jaeger and Levy. Applicants disclosed Jaeger and Levy in their original U.S. application filing on June 8, 2000.

On page 3 of the current Office Action, the Examiner states “that [the] Examiner depends on Levy to merely show that administrating of anesthetic to small animals is readily known”. Applicants respectfully submit that it is well settled that a reference must be considered not just for what it expressly teaches, but also for what it fairly suggests to one who is unaware of the claimed invention. *In re Baird*, 16 F.3d 380, (Fed. Cir. 1994). The Examiner’s reasoning ignores the fact unlike the present invention, Levy uses only masks for delivering anesthetic gases to a laboratory animal. As well, unlike the present invention, Levy does not teach, suggest, or disclose using breathing station compartments that would

Appl. No. 10/009,990

Response Dated January 22, 2009

Reply to Office Action of October 22, 2008

fill a chamber compartment with anesthetic without the use of masks to deliver anesthetic gases to laboratory animals. Therefore, unlike the present invention, Levy is unable to administer liquid anaesthetic to the laboratory animals. Nor is Levy able to deliver precise amounts of gas anesthetics like the present invention. Applicants respectfully request that the Examiner set forth a clear explanation as to why Levy is somehow combinable with Jaeger. Jaeger does not even disclose, suggest, or teach using its invention for anesthetic purposes and further more Jaeger's system, unlike the present invention, does not account for the required modifications necessary for use in animals that require a volatile liquid anaesthetic to be vaporized.

Additionally, Jaeger specifically relates to an inhalation system for supplying gas directly to the respiratory tract of a plurality of experimental animals. The present invention, however, specifically relates to anaesthetizing animals via a ventilation system for use in a surgery suite.

On page 9 of the present invention's specification, Applicants also presents the schematic differences between the prior art systems versus the present ventilation system. Figure 1 depicts a prior art system similar to Jaeger. Applicants respectfully request the Examiner note the differences between the figures as discussed herein above.

In view of the foregoing, it is therefore respectfully submitted that 35 U.S.C. 103(a) rejections of claims 9-11 be withdrawn and that claims 9-11 be allowed.

Appl. No. 10/009,990
Response Dated January 22, 2009
Reply to Office Action of October 22, 2008

CONCLUSION

In view of the amendments and remarks herein, Applicants believe that each ground for rejection made in the instant application has been successfully overcome, and that all the pending claims 9-11 are in condition for allowance. Withdrawal of the Examiner's rejections and objections, and allowance of the current application are respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

/Craig Bohlken/
Craig Bohlken
Reg. No. 52,628

GE Healthcare, Inc.
101 Carnegie Center
Princeton, NJ 08540
Phone (609) 514-6530

I:\IP\Response to Office Action\NIDN\NIDN73132 (01/22/2009).doc